

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CRAIG P. ELLIS,

Plaintiff,

v.

No. 11-cv-0379 WJ/SMV

**BERNALILLO COUNTY METROPOLITAN
DETENTION CENTER et al.,**

Defendants,

and

CRAIG P. ELLIS,

Plaintiff,

v.

No. 11-cv-0582 WJ/SMV

RAMON RUSTINI et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR A *MARTINEZ* REPORT

THIS MATTER is before the Court on Plaintiff's Motion Requesting Medical Records and Further Evidence [Doc. 66]. Plaintiff moves the Court to issue an order for a *Martinez* report to acquire certain medical records related to Plaintiff's suit under 42 U.S.C. § 1983. Motion Requesting Medical Records and Further Evidence [Doc. 66] at 1. The Court, being fully advised in the premises, FINDS that the Motion is not well-taken and should be denied.

In a suit brought by a pro se prisoner, the Court may order the defendants to investigate the incident underlying the suit and to submit a report of the investigation, known as a "*Martinez* report." *Hall v. Bellmon*, 935 F.2d 1106, 1109 (10th Cir. 1991); *see Martinez v. Aaron*, 570 F.2d

317, 319–20 (10th Cir. 1978) (affirming the propriety and necessity of such reports). The *Martinez* report assists the Court in determining whether there is a factual and legal basis for the prisoner's claims. *Hall*, 935 F.2d at 1109.

The Court is still reviewing the record in this case for the purpose of determining whether it will need to order Defendants to submit a *Martinez* report. Accordingly, the Court will not order Defendants to submit a *Martinez* report at this time.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion Requesting Medical Records and Further Evidence [Doc. 66] is **DENIED**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge